

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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VINCENT POOLE,

Plaintiff,

vs.

No.07-CV-44  
(FJS) (DRH)

LUCIEN LeCLAIRE, JR., Acting  
Commissioner NY DOCS; JAMES PLESCIA,  
Superintendent; and NEIL TRACTMAN,  
Dr., Washington Correctional Facility,

Defendants.

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APPEARANCES:

OF COUNSEL:

VINCENT POOLE  
Plaintiff, *pro se*  
03-A-5884  
Washington Correctional Facility  
Post Office Box 180  
72 Lock 11 Lane  
Comstock, New York 12821

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

JAMES J. SEAMAN, ESQ.  
Asst. Attorney General

**FREDERICK J. SCULLIN, JR., S.J.**

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**DECISION & ORDER**

Presently before the Court is Magistrate Judge David R. Homer's February 19, 2008 Report-Recommendation in which he recommends that defendants' motion to dismiss be granted as to all claims and all defendants. Magistrate Judge Homer's Report-

Recommendation was mailed to plaintiff's last known address, but was returned to the Clerk's Office marked, "Released." Under Local Rule 41.2(b), failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, the Court hereby

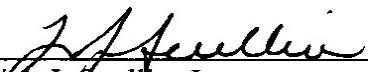
**ORDERS** that the Report-Recommendation filed by Magistrate Judge David R. Homer on February 19, 2008 is **ACCEPTED** in its entirety for the reasons stated therein, and the Court further

**ORDERS** that defendants' motion to dismiss is **GRANTED** as to all claims and all defendants, and the court further

**ORDERS** that the Clerk of the Court is to enter judgment in favor of defendants and close this case.

**IT IS SO ORDERED.**

Dated: February 28, 2008  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge